

R E C E I V E D

JAN 03 2017

NUWAN WEERAHANDI,

Plaintiff,

vs.

ALIA SHELESH

EVAN JOHN YOUNG, FULLSCREEN, INC.,
YOUTUBE, and GOOGLE, INC.

Defendants.

US DISTRICT COURT OF NEW JERSEY AT 8:30

M
WILLIAM J. WALSH
CLERKCIVIL DIVISION
Trenton District of New Jersey

Case Number.: 3:16-CV-06131-BRM-TJB

CIVIL ACTION

AFFIRMATION IN
OPPOSITION TO DEFENDANTS
SHELESH AND YOUNG MOTION TO DISMISS

I, Nuwan Weerahandi, affirm under penalty of perjury that I am the Plaintiff in the above entitled action, and respectfully submit this affirmation in Opposition to above Defendants' Motion dated December 13, 2016 to dismiss Plaintiff's Complaint.

2. I have personal knowledge of facts bear on the motion, because I am the one who communicated with all Defendants to take corrective action to undo defamation of me, and then sought the help of this Court when they ignored my requests.
3. The motion should be denied because by their motion Defendants are trying to mislead the Court, as I argue below in details.

ARGUMENTS**1. This Court Has the Jurisdiction**

Despite Defendant's barrage of quotes to other cases involving parties not profiting from businesses and misleading argument about Court's jurisdiction, Plaintiff did not file his Complaint in a NJ State Court, but rather at New Jersey District of the Federal Court. The

purpose of filing in the Federal Court is due to Court's Diversity Jurisdiction to handle cases of this nature. Diversity jurisdiction exists when a matter in controversy exceeds \$75,000 and is between citizens and entities of different states and involve for-profit organizations. The federal courts have long required "complete diversity" between the parties: no plaintiff and no defendant can have citizenship in the same state. In this Complaint, Shelesh and Young profit from advertising revenue generated from their YouTube videos available throughout the United States, including the state of New Jersey, and profit from said videos.

For such jurisdiction, it is not necessary that Defendant to live in the State of New Jersey since they are profiting from advertising revenue generated through their partnership with Fullscreen which monetizes their videos with advertisements which are viewable worldwide including those in the State of New Jersey. The Defendants Shelesh and Young are NOT volunteers working for a non-profit organization, but rather they are receiving money due to Internet advertisements around their videos

In fact, Defendants' jurisdiction argument is not technologically feasible, because it is not possible for YouTube to show Shelesh's videos only in the State of their Living, say in the State of Arizona. To this date, they continue profit from their videos not only in the United States, including the State of New Jersey, but also globally.

2. Defendants are Misleading the Court

Defendant Shelesh attempts to deceive the court into thinking that Plaintiff Nuwan Weerahandi filed this lawsuit to attract attention to his YouTube channel. The reality is, Shelesh slandered

Plaintiff by falsely stating that he is a “registered sex offender”, in a video she made in Aug 10, 2016. On the very same day, Plaintiff made a video addressing Shelesh and warned her that he was seriously considering taking legal action against her for slander and defamation of character. Plaintiff did not file a lawsuit until Sept 25, 2016, after Defendant Shelesh slandered him two more times in two more videos. Plaintiff gave Shelesh ample time to heed his warning of taking legal action against her, in which she could have voluntarily removed the videos in question and avoided litigation. Instead Shelesh felt emboldened to continue slandering Plaintiff because she was never punished for the first instance of slander.

Shelesh again tries to deceive the court into believing that Shelesh never identified Plaintiff Nuwan Weerahandi by name in her videos. This is a misrepresentation of Shelesh’s criminal actions. Shelesh used portions of Plaintiff’s YouTube videos in her videos which clearly identify Plaintiff by his YouTube channel, EnigmaHood, and showing Plaintiff as his online YouTube persona, EnigmaHood. As stated in the complaint, Shelesh acquired Plaintiff’s real name, home address, e-mail, and phone number in August 16, 2013 (please see original complaint for full details). Shelesh then released this information to her followers and supporters who then posted Plaintiff’s private information in the comments section of her videos. Shelesh’s claims that she did not identify Plaintiff in her videos addressing Plaintiff are outright lies and an attempt to circumvent culpability through trickery and deceit.

Shelesh and Young never addressed the substance of the complaint. Both Shelesh and Young slandered and defamed Plaintiff by falsely labeling him as a “registered sex offender”. Neither Shelesh nor Young denied this. Shelesh filed a malicious copyright claim (Digital Millennium

Copyright Act) against Plaintiff to remove Plaintiff's video under false pretenses (see original complaint for full details). A Digital Millennium Copyright Act (DMCA) takedown notice is filed under penalty of perjury and filing a malicious or knowingly false DMCA claim of infringement is a criminal act in the United States. Shelesh never denied this action either, in fact Shelesh admits to filing a copyright claim and acquiring Plaintiff's private information in her video, "MY BIGGEST HATER" (<https://youtu.be/LtIHdoXPLBg?t=24> timestamp 0:24).

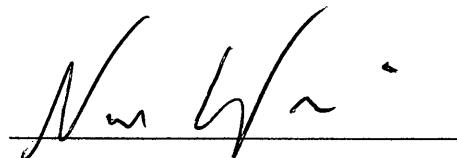
3. Granting Defendants Motion Will Set Dangerous Precedence for Future Abuse by Law Violators

If Defendant's Motion is granted, then the Defendants will use this as an excuse for future defamations of characters of innocent Internet users and False News without any basis, just to make increased profit, as if they are above the law. Then, big violators of Federal and State laws will run their business from off shores, but will conduct business in the United States arguing that they are immune from the laws of the United States since their office is in an offshore land. Therefore, if the motion is granted, it will set dangerous precedence for individuals producing videos and business entities publishing such videos containing content of defamations of innocent Internet users to run their business from offshores, to make increased profit at the cost of such victims and without being responsible for negligence of the business conducted in the United States.

CONCLUSION AND REQUEST

None of the arguments Defendants made in their motion has merit relevant to this specific case despite quotes to other cases. In view of the foregoing, the Plaintiff respectfully requests the Court to:

- a) Deny Defendant's Motion for Dismissal of Plaintiff's Complaint,
- b) Schedule dates for Discovery of facts related to this case.



Dated: December 29, 2016

Nuwan Weerahandi,

Plaintiff and Pro Se

NUWAN WEERAHANDI,	US DISTRICT COURT OF NEW JERSEY CIVIL DIVISION
Plaintiff,	Trenton District of New Jersey
vs.	DOCKET NO.: 3:16-CV-06131-BRM-TJB
ALIA SHELESH EVAN JOHN YOUNG, FULLSCREEN, INC., YOUTUBE, and GOOGLE, INC.	CIVIL ACTION
Defendants.	AFFIDAVIT in OPPOSITION TO MOTION OF SHELESH AND YOUNG

R E C E I V E D

JAN 03 2017

AT 8:30
M
WILLIAM T. WALSH
CLERK

I, Nuwan Weerahandi, of full age, hereby depose and say:

I am the plaintiff in the above entitled action and as such I have personal knowledge with the facts of this action and the proceedings herein. I submit this Opposition to Defendants' Motion to Dismiss my Complaint filed by Shelesh and Young.

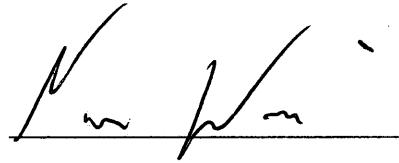
This motion should be denied because

- This Court has the Jurisdiction over the Defendant because the complaint was filed in New Jersey District of the Federal Court, not the NJ State Court. Federal Court's Diversity Jurisdiction handles cases exceeding \$75,000. Damage to Plaintiff in this case involving Diversity of Citizens exceeds \$75,000.
- Unlike prior cases Defendants quoted, Defendants Shelesh and Young are responsible for causing monetary and emotional damage to Plaintiff. Defendants are not volunteers working for a non-profit organization. Shelesh and Young profit from advertising revenue generated from videos hosted on YouTube which are visible throughout United States, including the State of New Jersey. As such Defendants Shelesh and Young do business in New Jersey as well as the rest of the United States.

The details of above facts are given in my Affirmation in Opposition to Defendant's Motion.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: December 29, 2016



Nuwan Weerahandi

NUWAN WEERAHANDI,	US DISTRICT COURT OF NEW JERSEY
	CIVIL DIVISION
Plaintiff,	Trenton District of New Jersey
	DOCKET NO.: 3:16-CV-06131-BRM-TJB
vs.	CIVIL ACTION
ALIA SHELESH EVAN JOHN YOUNG, FULLSCREEN, INC., YOUTUBE, and GOOGLE, INC.	AFFIDAVIT and CERTIFICATE OF SERVICE
Defendants.	

CERTIFICATE OF SERVICE

I further certify that on December 29th, 2016, I sent my opposition to Motion of Defendants to the following address by certified mail:

Name: Alia Shelesh and Evan John

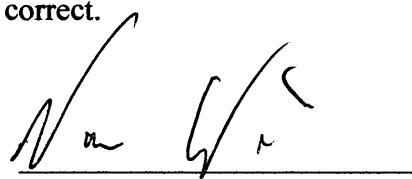
Young

Address: 5912 W. Riviera Dr. Glendale, AZ

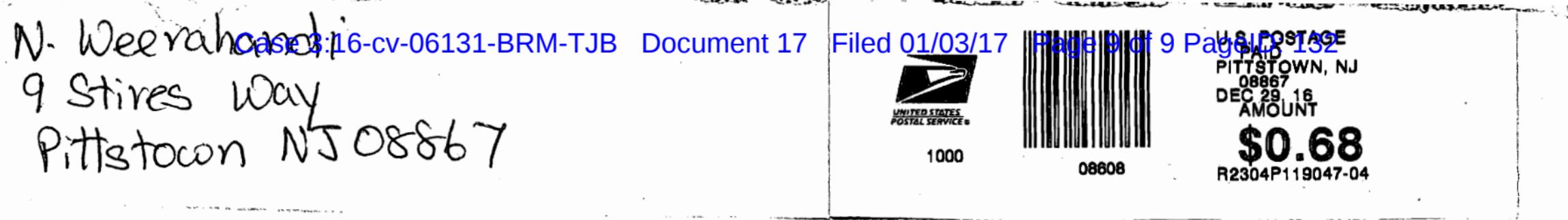
85304

I declare under penalty of perjury under the laws of the United States of America that the information in this certificate of service is true and correct.

Dated: December 29, 2016

A handwritten signature consisting of two stylized, upward-sweeping marks, possibly initials, followed by a horizontal line.

Nuwan Weerahandi



Clerk, U.S. District Court
402 E. State Street,
Room 2020
Trenton, NJ 08608